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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resumed session

Summary record of the 10th meeting

Held at Headquarters, New York, on Friday, 19 June 2009, at 10 a.m.

Chairman: Mr. Natalegawa ..... (Indonesia)

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of the Falkland Islands (Malvinas) (*continued*) (A/AC.109/2009/13; A/AC.109/2009/L.8)

2. **Mr. St. Aimee** (Saint Lucia) said that, given that both Argentina and the United Kingdom were claiming sovereignty, it seemed unlikely that much would be achieved through negotiations. In his delegation's view it would be more logical for the Committee to try to define what was meant by the words "taking into account the interests of the inhabitants". For example, it was necessary to establish who should decide what those interests were, and how they should be articulated and expressed.

3. **Mr. Daou** (Mali), noting with regret that the resolutions adopted by the Committee had failed, thus far, to bring about a solution to the dispute, invited Argentina and the United Kingdom to establish the conditions that would allow for the implementation of those resolutions. The Committee must continue its efforts to bring the parties to the negotiating table in order to build on the process of dialogue.

4. **Ms. Viotti** (Observer for Brazil) recalling the appeals made by various regional organizations and forums for a prompt resolution to the dispute, reiterated her delegation's support for Argentina's legitimate rights in the sovereignty dispute concerning the question of the Malvinas Islands.

5. While it was regrettable that negotiations between Argentina and the United Kingdom had not restarted, the fact that they had been able to come to some agreement so as to permit the dedication of the war memorial at the Darwin cemetery was a welcome sign. She hoped that the Committee would make substantial progress before its next session towards the peaceful resolution to the sovereignty dispute.

6. **Mr. Gutiérrez** (Observer for Peru) said that his delegation recognized Argentina's legitimate right to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, for historical, geographical and legal reasons, and it urged the parties to restart negotiations, as called for in the resolution the Committee had adopted at the previous meeting.

7. **Mr. Reina Idiaquez** (Observer for Honduras) referring to the resolution adopted by the Organization of American States (OAS) at its most recent high-level meeting, said that it, too, called on Argentina and the United Kingdom to resume negotiations so as to find a peaceful solution to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Moreover, if bilateral negotiations failed, issues could always be submitted to an international court for resolution; his Government had always done so, and it had abided by the decisions of such courts.

8. **Mr. Rosenthal** (Observer for Guatemala) said that decolonization could be seen as one of the principal achievements of the United Nations and that the Special Committee had played a major role in that regard. Nonetheless there still remained 16 Non-Self-Governing Territories.

9. The colonial situation of the Malvinas Islands, however, was special, owing to the existence of a sovereignty dispute. The United Kingdom had violated the territorial integrity of the Argentine Republic when it had occupied part of the latter's territory by force then implanted its own population there. Accordingly, the question of the Malvinas Islands was about a colonized territory not a colonized population. The United Nations had expressly ruled out the possibility of applying the principle of self-determination in that case for General Assembly resolution 1514 (XV) had established that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations.

10. His delegation supported the draft resolution that had been adopted at the previous meeting and it hoped that the Argentine Republic and the United Kingdom would resume bilateral negotiations as soon as possible in order to reach a fair, peaceful and lasting solution to the dispute.

11. **Ms. Gallardo Hernández** (Observer for El Salvador) said that the question of the Malvinas Islands should be resolved on the basis of respect for the territorial integrity and sovereignty of the Argentine Republic. That view was based on international legal principles and Argentina's geographical, legal and historical rights over the islands. The various arguments put forward by the

colonial power to justify its remaining in the islands did not take into account the fact that there was a sovereignty dispute, the existence of which had long been recognized.

12. Recalling that the 18th Ibero-American Summit of Heads of State and Government had reiterated the call for bilateral negotiations to be resumed as soon as possible, she urged the United Kingdom to resume the negotiation process as soon as possible in order to find a fair, peaceful and definitive solution to the dispute, in accordance with the population's wishes.

13. **Mr. Cancela** (Observer for Uruguay), welcoming the adoption by consensus of the resolution on the question of the Malvinas Islands at the previous meeting, recalled that Uruguay had consistently supported the Argentine Republic's legitimate right of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

14. The issue was unique in that the colonial situation of the islands was special, since it involved a sovereignty dispute. The right to self-determination had limits. It was clear from paragraph 6 of General Assembly resolution 1514 (XV) that compliance with the Declaration on the Granting of Independence to Colonial Countries and Peoples should be based on respect for the territorial integrity of States. Argentina had inherited rights to the islands from Spain and had legitimately occupied them until 1833, thus the territorial integrity of the Argentine Republic was directly related to the question at hand.

15. Finding a peaceful solution to the conflict was the obligation of both States involved, and the negotiations must cover all aspects of the future of the islands. Resolving the dispute would benefit the whole South Atlantic region and open the door for greater cooperation between the United Kingdom and Argentina.

16. **Ms. Williams** (Grenada), reiterating her delegation's long-standing position with regard to the rights and obligations pertaining to the question at hand, said that the principles of self-determination and sovereignty, both of which were contained in the Charter of the United Nations, were contending rights in the present case. She therefore urged both parties to take those principles into consideration during their discussions.

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands (A/AC.109/2009/1, 3-8, 11, 14 and 16; A/AC.109/2009/L.9)

17. **The Chairman** drew attention to the working papers prepared by the Secretariat on the 11 Non-Self-Governing Territories contained in documents A/AC.109/2009/1, 3-8, 11, 14 and 16.

Draft resolution A/AC.109/2009/L.9

18. *Draft resolution A/AC.109/2009/L.9 was adopted.*

19. **Mr. St. Aimee** (Saint Lucia) welcomed the adoption of the draft resolution, adding that it was important to consider the people, since it was the people that would make up the States, whatever form the latter took. There should be consistency of action with regard to matters of self-determination and the interests and rights of the people concerned.

The meeting rose at 11.10 a.m.